



PTO/SB/21 (09-04)

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**TRANSMITTAL  
FORM**

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Total Number of Pages in This Submission

Application Number	10/821,823
Filing Date	04-09-2004
First Named Inventor	David Louis Kirschman
Art Unit	3732
Examiner Name	David Louis Kirschman
Attorney Docket Number	KRS 002 P2

**ENCLOSURES (Check all that apply)**

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/<br>Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts<br>under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a<br>Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board<br>of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC<br>(Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify<br>below):<br>Return Card |
|---|--|---|

Remarks

Response to Office Action mailed September 7, 2005

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

JACOX, MECKSTROTH &amp; JENKINS

Signature

Printed name

MATTHEW R. JENKINS

Date

10-6-2005

Reg. No.

34,844

**CERTIFICATE OF TRANSMISSION/MAILING**

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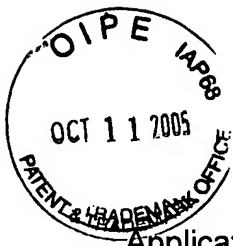
Rebecca Lantis

Date

10-6-2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Inventor(s) : David Louis Kirschman  
Serial No. : 10/821,823  
Filed : April 9, 2004  
Title: DISK AUGMENTATION  
SYSTEM AND METHOD  
Group : 3732  
Examiner : David C. Comstock  
Docket : KRS 002 P2

Commissioner for Patents  
P.O. Box 1450  
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10-6-2005	
Rebecca Lantis	
Typed or printed name of person mailing paper or fee	
Rebecca Lantis	
Signature of person mailing paper or fee	

Sir:

RESPONSE TO OFFICE ACTION

Responsive to the Office Action mailed September 7, 2005, in the above-identified application, Applicant elects to prosecute Species I containing Figs. 4 – 7 and 10 relating to claims 1 – 22, 26 - 61, 63 – 94, and 98 – 99. It is respectfully requested that the non-elected claims be held in abeyance pending the filing of a divisional application or the allowance of the elected claims.

The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to **Deposit Account No. 50-1287**. Applicants hereby provide a general request for any extension of time which may be required at any time during the prosecution of the application. The Commissioner is also authorized to charge any fees which have not been previously paid for by check and which are required during the prosecution of this application to **Deposit Account No. 50-1287**. (Should Deposit Account No. 50-1287

be deficient, please charge any further deficiencies to Deposit Account No. 10-0220.)

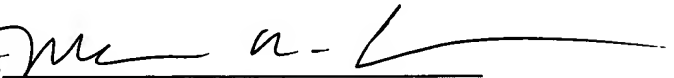
Serial No. 10/821,823  
Response to Office Action of September 7, 2005  
Examiner: David C. Comstock  
Docket: KRS 002 P2

If the Examiner has any questions regarding this election, he is invited to  
telephone the undersigned attorney.

Favorable action on the merits of the application is respectfully requested.

Respectfully submitted,

JACOX, MECKSTROTH & JENKINS

By: 

Matthew R. Jenkins  
Reg. No. 34,844

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October 6, 2005